REMARKS

In accordance with the foregoing, claims 1, 7, 13, 21, 22 and 24 are amended. No new matter is presented and approval and entry of the amended clams are requested.

Claims 3, 9 and 15 are cancelled herein without prejudice or disclaimer.

Claims 1, 4-7, 10-13, 16-24 are pending and under consideration. Reconsideration is requested.

Traverse of Rejections

In item 3 of the Office Action, the Examiner rejects claims 1, 3, 6, 7, 9, 12, 13, 15 and 18-24 under 35 U.S.C. §103(a) as being unpatentable over Reed (US- 2002/0164052) and Matsui (US-7,523,311).

In item 4 of the Office Action, the Examiner rejects claims 4, 5, 10, 11, 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Reed (US-2002/0164052), Matsui (US-7,523,311), and DeProspero (US-2002/0040648).

The rejections are traversed. Applicants submit that all of the features recited by at least each of the independent claims are not taught by the art of record.

Independent claim 1, as amended herein, recites an image data processing apparatus including "a dividing unit . . . ; a block extracting unit . . . ; an index extracting unit that extracts two feature indices of a first color component and two feature indices of a second color component which differs from the first color component from pair of blocks, one of the two feature indices being extracted from one of the pair of blocks and the other of two feature indices being extracted from the other of the pair blocks; and a code embedding unit that embeds a code into the pair of blocks, by changing at least one of the extracted two feature indices of the first color component of the pair of blocks <u>based on a magnitude relationship between the extracted two feature indices of the second color component of the pair of blocks and a value determined by at least one of the extracted two feature indices of the second color component</u>." (Emphasis added). Independent claims 7, 13, 21, 22, and 24 have similar recitations.

The Examiner relies on the disclosure of Reed in Fig. 14 and paragraph [0074] as teaching the code embedding unit as recited by claim 1. (See, for example, Office Action at page 3).

Applicants submit, however, that by contrast with claim 1, Reed merely teaches

> [O]ur out-of-phase techniques can be extended to spot colors. . . . With reference to FIG. 14, and preferably (but not limited to) relatively darker spot colors, e.g., violets, blues, etc., we counteract a watermark signal (or image) embedded in the

> spot color channel with an inverted signal in a K channel. Preferably, the K channel base intensity is subtle (e.g., 0% as represented by the K channel base level dashed line in FIG. 14) in comparison to the base level spot color intensity (e.g., 100% intensity as represented by the spot color maximum level dashed line in FIG. 14). The watermark signal (or image) signal is embedded through a combination of negative spot color tweaks and positive, offsetting, K channel tweaks. Infrared illumination facilitates detection of the K-channel watermark tweaks. (Embedding a spot color need not be limited to negative tweaks. Indeed, if the spot color is not at 100% intensity, positive spot color tweaks and corresponding negative K channel tweaks can facilitate embedding.).

(See, for example, Fig. 4 and paragraph [0074]).

That is, Reed does not teach "a code embedding unit that embeds a code into the pair of blocks, by changing at least one of the extracted two feature indices of the first color component of the pair of blocks based on a magnitude relationship between the extracted two feature indices of the second color component of the pair of blocks and a value determined by at least one of the extracted two feature indices of the second color component," as recited by claim 1, for example. (Emphasis added).

Similarly, Reed does not teach such similar features recited by claims 7, 13, 21, 22, and 24.

Further, nothing in the teachings of Matsui overcome this deficiency in the teaching of Reed.

Thus, even an *arguendo* combination of Matsui and Reed do not teach all of the features recited by each of independent claims 1, 7, 13, 21, 22, and 24 and the rejection should be withdrawn.

* * *

Claim 19 recites an apparatus including "a code embedding unit that by changing at least a feature index of a first color component of a block of the pair of blocks based on a magnitude relationship between the feature indices of color components related to the pair of blocks." Independent claims 20 and 23 have a similar recitation.

The Examiner relies on the disclosure of Reed in Fig. 14 and paragraph [0074] as teaching the code embedding unit as recited by claim 19. (See, for example, Office Action at page 7).

However, nothing in the disclosure of paragraph [0074], nor elsewhere in the disclosure of Reed does Reed teach "a code embedding unit that ... by changing at least a feature index of a first color component of a block of the pair of blocks based an a magnitude relationship

between the feature indices of color components related to the pair of blocks," as recited by claim 19. (Emphasis added). Similarly, Reed does not teach such similar features in claims 20 and 23.

Further, nothing in the teachings of Matsui overcome this deficiency in the teaching of Reed.

Thus, even an *arguendo* combination of Matsui and Reed do not teach all of the features recited by each of independent claims 19, 20, and 23 and the rejection should be withdrawn.

* *

Dependent claims 4-6, 10-12, and 16-18, inherit the patentable recitations of respective base claims discussed above and therefore, patentably distinguish over an arguendo combination of the art of record for at least the reasons discussed above. Thus, the rejections of dependent claims 4-6, 10-12, and 16-18 should be withdrawn and claims 4-6, 10-12, and 16-18 allowed.

Conclusion

Since all of the recited features of claims 1, 4-7, 10-13, 16-24 are not taught by an *arguendo* combination of the art of record the §103 rejection of claims 1, 4-7, 10-13, 16-24 should be withdrawn and claims 1, 4-7, 10-13, 16-24 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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